Single Bench

CF 500L

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W. P. (S) NO. 5191 / 2006

Petitioners :

1. Har Prasad Kurre,
S/o Late Heeralal Kurre,
Aged about 38 years,
Asst.Teacher Government Primary School, Korbi, Sakul Kendra Rasota, Block - Baloda, Dist : Janjgir Champa-(C.G.)

2. Raj Kumar Anant
S/o Shri Bhanu Ram Anant
Aged about 38 years,
Asst. Teacher Government Middle School Navapara (B), Block -Baloda, Dist : Janjgir Champa-(C.G.)

3. Jagjivan Lal Khare,
S/o Shri Dayaram Khare,
Aged about 37 years,
Asst. Teacher Government Middle School Jharve (Champa), Block - Baloda, Dist : Janjgir Champa-(C.G.)

4. Anup Kujur
S/o Michan Kujur,
Aged about 38 years,
Asst. Teacher Government Middle School Jagatpur, Block - Baikuntpur, Dist : Korea-(C.G.)

5. Sudheer Ekka
S/o Siril Ekka,
Aged about 38 years,
Asst. Teacher Govt. Primary school Bhakar, Block - Baikuntpur,, Dist : Korea-(C.G.)

P.R. No. 5232/06 Presented by Shri A.S. Rajput dated 19/9/06

OATH COMMISSIONER APARNA MALVIYA CG-2003/06 18/09/06 Bilaspur Chhattisgarh

RECEIVED-COPY 19/9/06 CLERK to A. G. BILASPUR

Versus

Respondents :1. State of Chhattisgarh
Through - The Education
Department, D.K.S. Bhawan, Raipur,
Dist : Raipur-(C.G.)

2. The Director,
Public Instruction Department,
Raipur- (C.G.)

3. District Education Officer,
District : Korea-(C.G.)
Head Office - Baikuntpur-(C.G.)

4. District Education Officer,
Dist : Janjgir Champa-(C.G.)

5. Dy. Director(Education)
Dist : Korea-(C.G.)
Head Office - Baikuntpur-(C.G.)

6. Dy. Director (Education)
Dist : Janjgir Champa-(C.G.)

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE MATTER.

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5191 OF 2006

Petitioners : Har Prasad Kurre and others

versus

Respondents : State of Chhattisgarh and others

Present : Mr. A.S.Rajput, counsel for the petitioners.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 3rd of October, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

2. Learned counsel appearing for the petitioners placed on record a copy of the order dated 20-9-2006 passed by this Court in Writ

Petition (S.) No.5137 of 2006 (*Meghraj Tandan vs. State of Chhattisgarh and others*) and submits that the petitioners are similarly situated, therefore the similar order may be passed.

3. The cases of the petitioners are that they were appointed as Assistant Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teachers, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to

make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

Gopal